

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SUSAN M. FOX,

Plaintiff,

Case No. 1:07cv956

v.

Hon. Robert J. Jonker

TRAVERSE CITY AREA PUBLIC
SCHOOLS BOARD OF EDUCATION,
et al.,

Defendants.

ORDER

This matter is before the Court on Plaintiff's timely objection (docket # 78) to the Magistrate Judge's Order (docket # 76) quashing several discovery subpoenas served at the close of an already extended discovery period on two business days notice to the affected witnesses. The matter is obviously non-dispositive. Under Fed. R. Civ. P. 72(a), this Court may set aside the Magistrate Judge's determination if it is "clearly erroneous or contrary to law." The local rules of this Court recognize the essentially appellate nature of this standard of review. W.D.Mich.LCivR 72.1(b). As the commentators recognize, "it is extremely difficult to justify alteration of the magistrate judge's nondispositive actions by the district judge." C. Wright, A. Miller & R. Marcus, Federal Practice and Procedure § 3069, at 350-51 (2d ed. 1997). There is no basis to do so here.

Plaintiff's objections fail to even mention the controlling standard of review, much less attempt to satisfy it. Instead, Plaintiff identifies a list of particular facts or arguments that the Magistrate Judge allegedly ignored. This is wholly unpersuasive as a basis for appeal under Rule 72(a). The Magistrate Judge plainly referenced and applied the controlling court rule and related case authority. He also expressly considered and rejected the option of modifying the subpoenas,

rather than quashing them. He rested his decision on facts that no one contests, and on established law that no one disputes. Beyond that, the Magistrate Judge had no obligation to address expressly each and every permutation of argument made by the parties. Nothing in Plaintiff's objections identifies any aspect of the Magistrate Judge's order that is clearly erroneous or contrary to law.

Accordingly, Plaintiff's objections are overruled, and the Order of the Magistrate Judge quashing the discovery subpoenas is **AFFIRMED**.

/s/ Robert J. Jonker
Robert J. Jonker
United States District Judge

Date: March 23, 2009